



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

To: James Alcorn, Chairman
State Board of Elections

Christopher E. Piper, Commissioner
Department of Elections

From: Alex W. West
Assistant Attorney General

Date: February 1, 2019

Subject: Letter of Assurance for Proposed Regulations for Campaign Finance and Political Advertisements found at 1 VAC 20-90.

I have reviewed the State Board of Elections's proposed amendments to the Regulations for Campaign Finance and Political Advertisements regarding defining express advocacy, found at 1 VAC 20-90. In my view, the State Board of Elections has the authority to promulgate this regulation pursuant to § 24.2-103 of the *Code of Virginia*. These regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does it appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.